



Entered on Docket
November 09, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs
Of Claim Based Entirely Upon Investment
In The Del Valle Livingston Loan; Except
for Mark Fanelli Proof of Claim**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m..

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Del Valle Livingston Loan," ("Del Valle Livingston Loan") [DE 8533] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the

1
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to
3 repayment by the borrower or from the collateral securing the Del Valle Livingston Loan;
4 and good cause appearing:

5 **IT IS ORDERED** that:

- 6 1. The Objection [DE 8533] is sustained; and
7 2. The claims listed on **Exhibit A** attached, except for Proof of Claim No.
8 10725-01380 filed by Mark Fanelli are disallowed in full because those claims are based
9 entirely upon an investment in the Del Valle Livingston Loan.
10 3. The claim of Mark Fanelli has been set for a Status hearing on November 15,
11 2011 by Order [DE 9323] of this Court.
12

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**
15

16 By /s/ John Hinderaker (AZ #018024)

17 Robert M. Charles, Jr.

18 John Hinderaker (*pro hac vice*)

19 3993 Howard Hughes Parkway, Ste. 600

20 Las Vegas, Nevada 89169-5996

Telephone: (702) 949-8320

Facsimile: (702) 949-8321

21 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Mark Fanelli</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust
Del Valle - Livingston Loan
Single Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Del Valle - Livingston Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Del Valle - Livingston Loan
10725-01290	11/10/2006	Adams, Ellen B	2876 Forest Grove Dr. Henderson, NV 89052-6816	Unknown	Unknown
10725-01587	12/8/2006	Beaulieu, Jack J Revocable Living Trust Dtd 9/1/9	Jack J Beaulieu Trustee 2502 Palma Vista Ave Las Vegas, NV 89121	20,000.00	20,000.00
10725-01540	12/4/2006	Bennett, Diane	1019 Crooked Creek Dr Los Altos, CA 94024	50,000.00	50,000.00
10725-01250	11/8/2006	Bolding, William & Carolyn	3961 Arizona Ave Las Vegas, NV 89104	50,466.67	50,466.67
10725-00804	10/30/2006	Brennan, Gary	3496 Pueblo Way Las Vegas, NV 89109-3337	250,000.00	250,000.00
10725-02179	1/12/2007	Dubary, Suzanne	9 Levan Hills Trail Henderson, NV 89052	103,039.59	103,039.59
10725-00017-2	12/6/2006	Falvai, Brenda	1545 Sandalwood Drive Brea, CA 92821-1841	50,933.34	50,933.34
10725-01340	11/10/2006	Fanelli, John J & Gina A	27 Larch St Fitchburg, MA 01420-2009	200,000.00	200,000.00
10725-01380	11/13/2006	Fanelli, Mark	244 Prospect St Leominster, MA 01453-3004	100,000.00	100,000.00
10725-00911	10/31/2006	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	50,865.81	50,865.81

EXHIBIT A